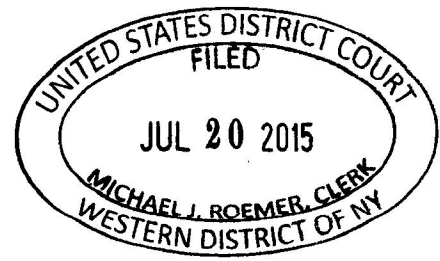


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

Plaintiff,

v.

DECISION AND ORDER

6:14-CR-6123 EAW

BRANDON CORREA,

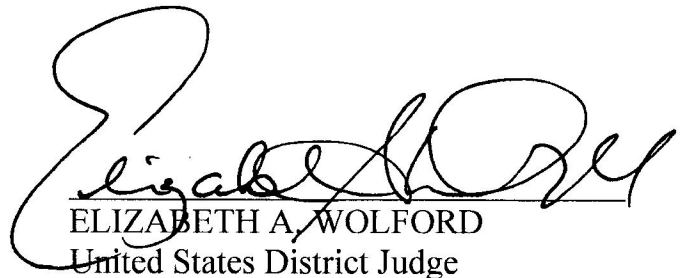
Defendant.

This Court referred all pretrial matters in the case to United States Magistrate Judge Marian W. Payson pursuant to 28 U.S.C. §§ 636(b)(1)(A) & (B). (Dkt. 16). On June 26, 2015, Magistrate Judge Payson issued a thorough Report and Recommendation, recommending that the Court determine that Defendant is currently competent to stand trial. (Dkt. 38).

Pursuant to Fed. R. Crim. P. 59(b)(2) and 28 U.S.C. § 636(b)(1), the parties had 14 days after being served a copy of the Report and Recommendation to file objections. No objections were filed. The Court is not required to review *de novo* those portions of a report and recommendation to which objections were not filed. *United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997) (“We have adopted the rule that failure to object timely to a magistrate judge’s report may operate as a waiver of any further judicial review of the decision, as long as the parties receive clear notice of the consequences of their failure to object.”).

The Court has reviewed the Report and Recommendation as well as the filings previously made in the case, and finds no reason to reject or modify the Report and Recommendation of Magistrate Judge Payson. Therefore, the Court accepts and adopts the Report and Recommendation. The Court accepts the findings of the psychiatric report dated May 26, 2015 (Dkt. 34), and finds by a preponderance of the evidence that Defendant is capable of understanding the nature and consequences of the proceedings against him and is able to assist properly in his defense.

SO ORDERED.



ELIZABETH A. WOLFORD
United States District Judge

Dated: July 20, 2015
Rochester, New York